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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                                 |   |   |
|---------------------------------|---|---|
| UNITED STATES OF AMERICA,       | ) | No. CR 16-00440 WHA                         |
|                                 | ) |   |
| Plaintiff,                      | ) | <b>UNITED STATES' OPPOSITION TO</b>         |
|                                 | ) | <b>DEFENDANT'S MOTION IN LIMINE NO. ONE</b> |
| v.                              | ) | <b>TO EXCLUDE CO-CONSPIRATOR</b>            |
|                                 | ) | <b>STATEMENTS. [DKT. NO. 142]</b>           |
| YEVGENIY ALEXANDROVICH NIKULIN, | ) |   |
|                                 | ) | Trial: March 9, 2020                        |
| Defendant.                      | ) | Pretrial Conference: February 19, 2020      |
|                                 | ) | Time: 1:30 p.m.                             |
|                                 | ) | Courtroom No. 12                            |

Defendant has filed a Motion in Limine to Exclude Co-conspirator Statements. ECF No. 142.

The United States previously moved for the admission of those statements in its Motion in Limine Number One, filed under seal. The United States opposes defendant's current motion and has established the admissibility of the statements in the previously-filed motion papers. Defendant indicates in his filing that he will make his arguments in his forthcoming opposition to the United States' motion.

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1 The United States respectfully requests that the Court deny defendant's motion in limine, grant the  
2 United States' motion in limine, and find the evidence admissible pursuant to Fed. R. Evid.  
3 801(d)(2)(E).

4 DATED: February 12, 2020

Respectfully submitted,

5 DAVID L. ANDERSON  
6 United States Attorney

7 /s/  
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9 KATHERINE L. WAWRZYNIAK  
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